

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.19 OF 2007

Jignesh Rajendra Bhatt ...Applicant

Versus

State of Maharashtra ...Respondent

Shri Subhash Jha i/by Law Global for the Applicant.

Shri D.P.Adsule, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
(VACATION JUDGE)

DATE : JANUARY 05, 2007.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P for the State. A limited grievance has been made in this Application. The learned Trial Judge has granted bail in favour of the Applicant by order dated 02nd January, 2007 and the bail amount has been fixed at Rs.50,000/- with one or two sureties in the like amount. The grievance is that the bail amount of Rs.50,000/- is very excessive.

2. My attention has been invited to order dated 22nd December, 2006 passed by this Court in Criminal Application No.4501 of 2006 in favour of co-accused.

The bail amount fixed by this court in case of co-accused is Rs.50,000/-. The submission of the Advocate for the Applicant is that going by the order passed by the learned Additional Sessions Judge in favour of the Applicant, the bail amount of Rs.50,000/- is excessive. The learned A.P.P submitted that bail has been granted on the ground of parity and therefore, the learned Additional Sessions Judge was justified in fixing the bail amount at Rs.50,000/-.

3. The learned Additional Sessions Judge in order dated 02nd January, 2007 has observed that the complainant gave a Demand Draft of Rs.15,00,000/- to the co-accused (the Applicant in Criminal Application No.4501 of 2006 filed in this court) and the said co-accused encashed the Demand Draft. The order dated 22nd December, 2006 passed by this court in favour of co-accused records that the said co-accused was trying to settle the matter with the complainant and he has paid a sum of Rs.7,20,000/- to the complainant and that he has agreed to pay a further amount of Rs.7,80,000/-. The role ascribed to the Applicant is that he introduced the complainant to the said co-accused. Considering these facts, in order dated 02nd January,

2007, the learned Additional Sessions Judge has observed thus:

"It appears that the role played by co-accused Himanshu Bhatt is heavier than that of role played by this applicant Jignesh, who is brother of Himanshu".

4. This court has fixed bail amount of Rs.50,000/- considering the nature of allegations against the co-accused. Considering the role ascribed to the Applicant, bail amount of Rs.50,000/- is certainly on the higher side and the same deserves to be reduced. In my view, it will be just and proper to fix the bail amount at Rs.15,000/-.

5. Hence, Application is disposed of by passing following order:

(i) The order dated 02nd January, 2007 passed in Bail Application No.2345 of 2006 by the learned Additional Sessions Judge is modified only to the extent that the Applicant will have to furnish P.R.Bond of Rs.15,000/- (Rupees Fifteen

Thousand Only) with one or two sureties in the like amount. Rest of the order is maintained as it is.

- (ii) If the Applicant deposits cash bail of Rs.50,000/-, he will be enlarged on bail subject to condition of furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties as directed above within maximum period of three weeks from today.
- (iii) Application is disposed of accordingly.
- (iv) Writ to be issued immediately.

JUDGE